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MAYOR'S MESSAGE

TRANSMITTING

A COPY OF THE WILL OF BENJAMIN FRANKLIN AND PROCEEDINGS OF TRUSTEES AND COURTS RELATING THERETO.

City of Boston.
Office of the Mayor, City Hall,
May 13, 1897.

To the City Council:

I transmit herewith a copy of the will of Benjamin Franklin, with proceedings relating thereto, which have been prepared by the Law Department in connection with the recent proceedings in the Probate Court, which have now resulted in the appointment by the Court of a board of trustees consisting of Henry L. Higginson, Francis C. Welch, A. Shuman, and Charles T. Gallagher, and of the ministers of the three churches named in the will; namely, Charles W. Duane, Stopford W. Brooke, and Alexander K. MacLennan. I recommend that this will, with accompanying papers, be printed as a city document.

Respectfully submitted,

Josiah Quincy,
Mayor.

In Common Council, May 13, 1897.

Ordered to be printed and sent up.

Attest: Joseph O'Kane,
Clerk of the Common Council.

THE WILL

OF

BENJAMIN FRANKLIN

AND

PROCEEDINGS OF TRUSTEES AND COURTS RELATING THERETO

BOSTON
ROCKWELL AND CHURCHILL, CITY PRINTERS
1897

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WILL AND CODICIL.

BENJAMIN FRANKLIN DIED IN PHILADELPHIA APRIL 17, 1790, AND THE FOLLOWING WILL AND CODICIL WERE ADMITTED TO PROBATE IN THE ORPHANS' COURT OF PHILADELPHIA COUNTY, APRIL 23, 1790:

I, Benjamin Franklin of Philadelphia, Printer, late Minister Plenipotentiary from the United States of America to the Court of France, now President of the State of Pennv[a]. do make and declare my last Will and Testament as follows:

To my Son William Franklin late Governor of the Jerseys I give and devise all the Lands I hold or have a Right to in the Province of Nova Scotia, to hold to him his Heirs and Assigns forever, I also give to him all my books and papers which he has in his Possession and all Debts standing against him on my Account Books, willing that no Payment for nor Restitution of the same be required of him by my Executors, The part he acted against me in the late War which is of public Notoriety will account for my leaving him no more of an Estate he endeavored to deprive me of. — Having since my return from France demolished the three houses in Market Street, between third and fourth Streets, fronting my dwelling House and erected two new and larger Houses on the Ground and having also erected another House on the Lot which formerly was the Passage to my Dwelling, and also a Printing Office between my Dwelling and the Front Houses now I do give and devise my said Dwelling House wherein I now live, my said three new Houses, my Printing Office and the Lots of Ground thereto respectively belonging, also my small House and Lot in Sixth Street which I bought of the Widow Hunmarsh, also my Pasture Ground which I have in Hickory Lane with the Buildings thereon, also my House and Lot on the North side of Market Street now occupied by Mary Jacobs together with two Houses and Lots behind the same and fronting on Pewter Platter Alley

also my Lot of Ground in Arch Street opposite the Church Burying Ground, with the Buildings thereon Erected, also all my Silver Plate Pictures and Household Goods of every kind, now in my said Dwelling House to my Daughter Sarah Bache and to her husband, Richard Bache, to hold to them for and during their natural Lives and the life of the longest liver of them, and from and after the decease of the Survivor of them I do give devise and bequeath the same, to all Children already born or to be born of my said Daughter and to their Heirs and Assigns forever, as Tenants in Common and not as Joint Tenants. And if any or either of them shall happen to die under Age and without Issue the Part and Share of him her or them so dying shall go to, and be equally divided among the Survivors or Survivor of them, But my intention is that if any or either of them should happen to die under

(B. Franklin)

Age leaving Issue, such Issue shall inherit the Part and Share that would have passed to his her or their Parent, had he she or they been living. And as some of my said Devisees may at the Death of the survivor of their Father and Mother be of Age, and others of them under Age so as that all of them may not be of Capacity to make Division, I in that case request and authorize the Judges of the Supreme Court of Judicature of Pennsylvania, for the Time being, or any three of them not personally interested to appoint by Writing under their Hands and Seals three honest intelligent impartial Men, to make the said Division, and to assign and allot to each of my Devisees their respective Share, which Division so made and committed to Writing under the Hands and Seals of the said three Men, or of any two of them, and confirmed by the said Judges, I do hereby declare shall be binding on and conclusive between the said Devisees.

All the Lands near the Ohio, and the Lots near the Centre of Philadelphia, which I lately purchased of the State, I give to my Son in Law Richard Bache his Heirs and Assigns forever; I also give him the Bond I have against him of Two thousand one Hundred and Seventy-two Pounds five Shillings together with the Interest that shall or may accrue thereon, and direct the same to be delivered up to him by my Executors cancelled; requesting that in Consideration thereof, he would immediately after my Decease, manumit and set free his Negro Man Bob; I leave to him also the Money due to me from the State of Virginia for Types; I

also give to him the Bond of William Goddard and his Sister, and the Counter Bond of the late Robert Grace and the Bond and Judgment of Francis Childs if not recovered before my Decease or any other Bond then due except the Bond due from Killan of Delaware State, which I give to my Grandson Benjamin Franklin Bache; I also discharge him my said Son in Law from all Claim of Rent and Monies due to me on Book Account or otherwise, I also give him all my Musical Instruments.

The King of France's Picture set with Four hundred and eight Diamonds, I give to my Daughter Sarah Bache requesting however that she would not form any of those Diamonds into Ornaments either for herself or Daughters and thereby introduce or countenance the expensive vain and useless Fashion of wearing Jewels in this Country; and that those immediately connected with the Picture may be preserved with the same.

I give and devise to my dear Sister Jane Mecom a House and Lot, I have in Unity Street Boston, now or late under the Care of Mr. Jonathan Williams, to her and to her Heirs and Assigns forever. I also give her the Yearly Sum of Fifty Pounds Sterling during Life, to commence at my Death, and to be paid to her annually out of the Interest or Dividends arising on twelve Shares which I have since my arrival in Philadelphia purchased in the Bank of North America, and at her Decease I give the said twelve Shares in the Bank, to my Daughter Sarah Bache and her Husband Richard Bache. But it is my express Will and desire that (B. Franklin) after Payment of the above Fifty Pounds Sterling annually to my said Sister that my said Daughter be allowed to apply the residue of the Interest or dividends arising on those shares to her sole and separate Use during the Life of my said Sister, and afterwards the whole of the Interest or dividends thereof as her private Pocket Money.

I give the Right I have to take up Three thousand Acres of Land in the State of Georgia granted to me by the Government of that State, to my Grandson William Temple Franklin his Heirs and Assigns forever; I also give to my Grandson William Temple Franklin the Bond and Judgment I have against him of Four thousand Pounds Sterling; my Right to the same to cease upon the Day of his Marriage, and if he dies unmarried my will is that the same be recovered and divided among my other Grandchildren, the Children of

my Daughter Sarah Bache, in such manner and form as I have herein before given to them the other parts of my Estate.

The Philosophical Instruments I have in Philadelphia I give to my ingenious Friend Francis Hopkinson.

To the Children Grand Children and Great Grand Children of my Brother Samuel Franklin that may be living at the Time of my Decease I give Fifty Pounds Sterling to be equally divided among them.

To the Children Grand Children and Great Grand Children of my Sister Ann Harris that may be living at the Time of my Decease I give Fifty Pounds Sterling to be equally divided among them.

To the Children, Grand Children and Great Grand Children of my Brother James Franklin, that may be living at the Time of my Decease, I give Fifty Pounds Sterling to be equally divided among them.

To the Children, Grand Children and Great Grand Children of my Sister Sarah Davenport that may be living at the Time of my Decease, I give Fifty Pounds Sterling to be equally divided among them.

To the Children, Grand Children and Great Grand Children of my Sister Lydia Scot that may be living at the Time of my decease I give Fifty Pounds Sterling to be equally divided among them.

To the Children Grand Children and Great Grand Children of my Sister Jane Mecom that may be living at the Time of my Decease I give Fifty Pounds Sterling to be equally divided among them.

I give to my GrandSon Benjamin Franklin Bache all the Types and Printing Materials which I now have in Philadelphia with the compleat Letter Foundery, which in the whole I suppose to be worth near One Thousand Pounds; but if he should die under Age and without Children then I do order the same to be sold by my Executors, the Survivors or Survivor of them, and the Monies thence arrising to be equally divided among all the rest of my said Daughters Children or their representatives, each one on coming of Age to take his or her Share, and the Children of such of them as may die under Age to represent and to take the Share and Proportion of the Parent so dying each one to receive his or her Part of (B. Franklin) such Share as they come of Age.

With regard to my Books those I had in France and those

I left in Philadelphia being now assembled together here and a Catalogue made of them, it is my intention to dispose of the same as follows :

My History of the Academy of Sciences in Sixty or Seventy Volumes quarto I give to the Philosophical Society of Philadelphia of which I have the Honor to be President.

My Collection in Folio of Les Arts and Les Metiers, I give to the American Philosophical Society established in New England of which I am a Member.

My quarto Edition of the same Arts and Metiers I give to the Library Company of Philadelphia.

Such and so many of my Books as I shall mark on the said Catalogue with the name of my Grandson Benjamin Franklin Bache I do hereby give to him ; and such and so many of my Books as I shall mark on the said Catalogue with the Name of my Grandson William Bache, I do hereby give to him ; and such as shall be marked with the Name of Jonathan Williams, I hereby give to my Cousin of that Name. The residue and remainder of all my Books, Manuscripts and Papers, I do give to my Grandson William Temple Franklin.

My Share in the Library Company of Philadelphia I give to my Grandson Benjamin Franklin Bache, confiding that he will permit his Brothers and Sisters to share in the Use of it.

I was born in Boston, New England, and owe my first Instructions in Literature to the free Grammar Schools established there ; I therefore give One hundred Pounds Sterling to my Executors to be by them, the Survivors or Survivor of them, paid over to the Managers or Directors of the free Schools in my native Town of Boston, to be by them, or those Person or Persons, who shall have the superintendance and Management of the said Schools, put out to Interest, and so continued at Interest forever, which Interest annually shall be laid out in Silver Medals, and given as honorary Rewards annually by the Directors of the said Free Schools for the encouragement of Scholarship in the said Schools, belonging to the said Town, in such manner as to the Discretion of the Select Men of the said Town shall seem meet.

Out of the Salary that may remain due to me as President of the State I do give the Sum of Two Thousand Pounds to my Executors, to be by them, the Survivors or Survivor of them, paid over to such Person or Persons, as the legislature

of this State, by an Act of Assembly shall appoint to receive the (B. Franklin) same In Trust to be employed for making the River Schuylkill Navigable.

And what Money of mine shall at the Time of my Decease remain in Hands of my Bankers Messrs. Ferdinand Grand and Son at Paris, or Messrs. Smith Wright and Gray of London I will that after my debts are paid and deducted with the Money Legacies of this my Will, the same be divided into four equal Parts, two of which, I give to my dear Daughter Sarah Bache, one to her Son Benjamin and one to my Grandson William Temple Franklin.

During the Number of Years I was in Business as a Stationer, Printer and Postmaster a great many small Sums became due to me for Books, Advertisements, Postage of Letters, and other Matters, which were not collected, when in 1757 I was sent by the Assembly to England as their Agent, and by subsequent appointments continued there until 1775, when on my return I was immediately engaged in the Affairs of Congress and sent to France in 1776, where I remained Nine Years, not returning till 1785; and the said Debts not being demanded in such a Length of Time are become in a manner absolute, yet are nevertheless justly due: These as they are stated in my great Folio Leger E. I bequeath to the Contributors to the Pennsylvania Hospital, hoping that those Debtors and the Descendants of such as are deceased, who now as I find make some Difficulty of satisfying such antiquated Demands, as just Debts, may however be induced to pay or give them as Charity to that excellent Institution. I am sensible that much must inevitably be lost, but I hope something considerable may be recovered. It is possible too, that some of the parties charged may have existing old unsettled Accounts against me; in which case the Managers of the said Hospital will allow and deduct the amount, or pay the Ballance if they find it against me.

My Debts and Legacies being all satisfied and paid the rest and residue of all my Estate real and Personal not herein expressly disposed of, I do give and bequeath to my Son and Daughter, Richard and Sarah Bache.

I request my Friends Henry Hill Esquire John Jay Esquire Francis Hopkinson, Esquire, and Mr. Edward Duffield of Benfield, in Philadelphia County, to be the Executors of this my last Will and Testament (B. Franklin) and I hereby nominate and appoint them for that purpose.

I would have my Body buried with as little Expense or Ceremony as may be.

I revoke all former Wills by me made, declaring this only to be my last.

In Witness whereof, I have hereunto set my Hand and Seal this Seventeenth day of July in the Year of our Lord, One Thousand seven Hundred and Eighty-eight.

B. Franklin [Seal.]

Signed sealed published and declared by the above named Benjamin Franklin for and as his last Will and Testament in the presence of us. (The Words "my Right to the same to cease upon the Day of his Marriage" being wrote on an Erazure and the Words "of the said Town" being interlined.

Ab^m. Shoemaker, affirmed

John Jones, sworn George Moore

John Jones, Abraham Shoemaker, two of the Witnesses and Francis Hopkinson Edw^d. Duffield two of the Executors Sworn & Henry Hill Esq^r. another Ex'or affirm'd the 23^d. day of April 1790 Before me

Geo. Campbell, Reg^r.

I, Benjamin Franklin, in the foregoing or annexed last Will and Testament named, having further considered the same, do think proper to make and publish the following Codicil or Addition thereto.

It having long been a fixed political opinion of mine, that in a democratical State, there ought to be no Offices of Profit, for the reasons I had given in an Article of my drawing in our Constitution, it was my intention when I accepted the Office of President to devote the appointed Salary to some public Uses, accordingly I had already before I made my Will in July last, given large Sums of it to Colleges, Schools, Building of Churches &c and in that Will I bequeathed Two thousand Pounds more to the State for the purpose of making Schuylkill navigable: But understanding since, that such a Sum will do but little toward accomplishing such a Work and that the project is not likely to be undertaken for many Years to come; and having entertained another Idea, that I hope may be more extensively useful, I do hereby revoke and annul that Bequest, and direct that the (B. Franklin) certificates I have for what remains due to me of that Salary be sold towards raising the Sum of Two

thousand Pounds Sterling, to be disposed of as I am now about to order.

It has been an opinion that he who receives an Estate from his Ancestors, is under some kind of obligation to transmit the same to their Posterity: This Obligation does not lie on me, who never inherited a Shilling from any Ancestor or Relation: I shall however, if it is not diminished by some accident before my Death, leave a considerable Estate among my Descendants and Relations. The above observation is made merely as some apology to my Family, for my making Bequests that do not appear to have any immediate relation to their advantage.

I was born in Boston, New England and owe my first instructions in Literature, to the free Grammar Schools established there: I have therefore already considered those Schools in my Will. But I am also under obligations to the State of the Massachusetts, for having unasked appointed me formerly their Agent in England with a handsome Salary: which continued some years: and altho' I accidently lost, in their service, by transmitting Governor Hutchinson's Letter much more than the amount of what they gave me, I do not think that ought in the least to diminish my Gratitude.

I have considered that among Artisans good Apprentices are most likely to make good Citizens, and having myself been bred to a manual Art Printing, in my native Town, and afterwards assisted to set up my business in Philadelphia by kind loan of Money from two Friends there, which was the foundation of my Fortune, and of all the utility in life that may be ascribed to me, I wish to be useful even after my Death, if possible, in forming and advancing other young men that may be serviceable to their Country in both those Towns.

To this End I devote Two thousand Pounds Sterling, which I give, one thousand thereof to the Inhabitants of the Town of Boston, in Massachusetts, and the other thousand to the Inhabitants of the City of Philadelphia, in Trust to and for the Uses, Interests and Purposes hereinafter mentioned and declared.

The said sum of One thousand Pounds Sterling, if accepted by the Inhabitants of the Town of Boston, shall be managed under the direction of the Select Men, united with the Ministers of the oldest episcopalian, Congregational and Presbyterian Churches in that Town; who are to let out the same

upon Interest at five per cent per Annum to such young married artificers, under the Age of twenty-five years, as have served an Apprenticeship in the said Town, and faithfully fulfilled the Duties required in their Indentures, so as to obtain a good moral Character from at least two respectable Citizens, who are willing to become their Sureties in a Bond with the Applicants for the Repayment of the Monies so lent with Interest according to the Terms herein (B. Franklin) after prescribed. All which Bonds are to be taken for spanish milled Dollars or the value thereof in current Gold Coin. And the Managers shall keep a bound Book or Books wherein shall be entered the Names of those who shall apply and receive the benefit of this Institution and of their Sureties, together with the Sums lent, the Dates and other necessary and proper Records, respecting the Business and Concerns of this Institution. And as these Loans are intended to assist young married Artificers in setting up their Business, they are to be proportioned by the discretion of the Managers, so as not to exceed Sixty Pounds Sterling to one Person, nor to be less than Fifteen Pounds. And if the number of Appliers so entitled should be so large, as that the sum will not suffice to afford to each as much as might otherwise not be improper, the proportion to each shall be diminished so as to afford to every one some Assistance. These aids may therefore be small at first; but as the Capital increases by the accumulated Interest, they will be more ample. And in order to serve as many as possible in their Turn, as well as to make the Repayment of the principal borrowed more easy, each Borrower shall be obliged to pay with the yearly Interest, one tenth part of the principal, which Sums of Principal and Interest so paid in, shall be again let out to fresh Borrowers. And as it is presumed that there will always be found in Boston virtuous and benevolent Citizens willing to bestow a part of their Time in doing good to the rising Generation by Superintending and managing this Institution gratis, it is hoped that no part of the Money will at any time lie dead or be diverted to other purposes, but be continually augmenting by the Interest, in which case there may in time be more than the occasions in Boston shall require and then some may be spared to their Neighboring or other Towns in the said State of Massachusetts who may desire to have it, such Towns engaging to pay punctually the Interest and the

Portions of the principal annually to the Inhabitants of the Town of Boston.

If this Plan is executed and succeeds as projected without interruption for one hundred Years, the Sum will then be one hundred and thirty one thousand Pounds of which I would have the Managers of the Donation to the Town of Boston, then lay out at their discretion one hundred thousand Pounds in Public Works which may be judged of most general utility to the Inhabitants such as Fortifications, Bridges Aqueducts, Public Buildings, Baths, Pavements or whatever may make living in the Town more convenient to its People and render it more agreeable to Strangers, resorting thither for Health or a temporary residence. The remaining thirty one thousand Pounds, I would have continued to be let out on Interest in the manner above directed for another hundred Years, as I hope it will have been found that the Institution has had a good effect on the conduct of Youth, and been of Service to many worthy Character and useful Citizens. At the end of this second Term, if no unfortunate accident has prevented the (B. Franklin) operation the Sum will be Four Millions and Sixty one thousand Pounds Sterling, of which I leave one Million sixty one Thousand Pounds to the Disposition of the Inhabitants of the Town of Boston and Three Millions to the disposition of the Government of the State, not presuming to carry my views farther.

All the directions herein given respecting the Disposition and Management of the Donation to the Inhabitants of Boston, I would have observed respecting that to the Inhabitants of Philadelphia: only as Philadelphia is incorporated, I request the Corporation of that City to undertake the Management agreeable to the said Directions and I do hereby vest them with full and ample Powers for that purpose; and having considered that the covering its Grand Plat with Buildings and Pavements, which carry off most of the Rain and prevent its soaking into the Earth and renewing and purefying the Springs, whence the Water of the Wells must gradually grow worse, and in time be unfit for use, as I find has happened in all old Cities, I recommend that at the end of the first hundred Years, if not done before, the Corporation of the City employ apart of the Hundred thousand Pounds in bringing by Pipes the Water of Wissahickon Creek into the Town, so as to supply the Inhabitants which I apprehend may be done without great difficulty, the level of that Creek

being much above that of the City and may be made higher, by a Dam, I also recommend making the Schuylkill compleatly navigable. At the end of the Second Hundred Years, I would have the disposition of the Four Million and Sixty one thousand Pounds divided between the Inhabitants of the City of Philadelphia and the Government of Pennsylvania, in the same manner as herein directed with respect to that of the Inhabitants of Boston and the Government of Massachusetts.

It is my desire that this Institution should take place and begin to operate within one year after my decease: for which purpose due Notice should be publickly given previous to the expiration of that Year, that those for whose Benefit this establishment is intended may make their respective applications; And I hereby direct my Executors, the survivors or survivor of them, within six Months after my decease, to pay over the said Sum of Two thousand Pounds Sterling, to such Persons as shall be duly appointed by the Select Men of Boston and the Corporation of Philadelphia, to receive and take charge of their respective Sums of One thousand Pounds each, for the Purposes aforesaid.

Considering the accidents to which all human Affairs and Projects are subject in such a length of Time, I have perhaps too much flattered myself with a vain Fancy, that these Dispositions, if carried into execution, will be continued without interruption, and have the Effects proposed: I hope however that if the Inhabitants of the two Cities should not think fit to undertake the execution they will at least accept the offer of these Donations as a Mark of my good-Will, a token of my Gratitude and a (B. Franklin) Testimony of my earnest desire to be useful to them even after my departure. I wish indeed that they may both undertake to endeavour the Execution of the Project: because I think that tho' unforseen Difficulties may arise, expedience will be found to remove them, and the Scheme be found practicable: If one of them accepts the Money with the Conditions and the other refuses: my Will then is that both Sums be given to the Inhabitants of the City accepting the whole; to be applied to the same purposes and under the same Regulations directed for the separate Parts: and if both refuse, the Money of course remains in the Mass of my Estate and is to be disposed of therewith according to my Will made the seventeenth day of July 1788.

I wish to be buried by the Side of my Wife if it may be, and that a marble Stone to be made by Chambers, six feet

long and four feet wide, plain, with only a small Moulding round the upper Edge and this Inscription.

BENJAMIN AND DEBORAH } FRANKLIN

178. To be placed over us both.

My fine Crabtree Walking Stick with a Gold Head Curiously wrought in the Form of the Cap of Liberty I give to my Friend and the Friend of Mankind General Washington. If it were a Sceptre he has merited it, and would become it. It was a present to me from that excellent Woman Madame de Forbach, the Dowager Duchess of Deux Ponts, connected with some verses which should go with it.

I give my Gold Watch to my Son in Law Richard Bache and also my Gold Watch Chain of the Thirteen United States which I have not yet worn.

My Timepiece that stands in my Library I give to my Grandson William Temple Franklin, I give him also my Chinese Gong.

To my dear old Friend Mrs. Mary Hewson, I give one of my Silver Tankards marked for her Use during her Life and after her decease I give it to her Daughter Eliza. I give to her Son William Hewson, who is my Godson my new Quarto Bible, Oxford Edition, to be for his Family Bible; and also the Botanic Description of the Plants, in the Emperor's Garden at Vienna, in folio with Coloured Cuts. And to her Son Thomas Hewson, I give a Set of Spectators, Tatlers and Guardians handsomely bound.

There is an Error in my Will where the Bond of William Temple Franklin is mentioned as being for four thousand Pounds Sterling whereas it is but for three thousand five hundred Pounds.

I give to my Executors, to be divided equally among those that act, the sum of Sixty Pounds Sterling as some compensation for their Trouble in the execution of my Will; And I request my Friend Mr. Duffield to accept moreover my French Wayweiser, a piece of Clock Work in Brass to be fixed to the Wheel of any Carriage, And that my Friend Mr. Hill may also accept my Silver Cream Pot, formerly given to me by the good Dr. Fothergill with (B. Franklin) the Motto "keep bright the Chain." My reflecting Telescope made by

Short, which was formerly Mr. Cantons, I give to my friend Mr. David Rittenhouse, for the Use of his Observatory.

My Picture drawn by Martin in 1767. I give to the Supreme Executive Council of Pennsylvania if they shall be pleased to do me the Honour of accepting it, and placing it in their Chamber.

Since my Will was made I have bought some more City Lots near the Center, part of the Estate of Joseph Dean: I would have them go with the other Lots disposed of in my Will and I do give the same to my Son in Law Richard Bache his Heirs and Assigns forever.

In Addition to the Annuity left to my Sister in my Will of Fifty Pounds Sterling during her Life, I now add thereto Ten Pounds Sterling more in order to make the Sum Sixty Pounds.

I give Twenty Guineas to my good Friend and Physician Dr. John Jones.

With regard to the separate Bequests made to my Daughter Sarah in my Will my intention is, that the same shall be for her sole and separate Use, notwithstanding her Coverture, or whether she be covert or sole, and I do give my Executors so much Right and Power therein as may be necessary to render my intention effectual in that respect only. This provision for my Daughter is not made out of any disrespect I have for her Husband.

And lastly, it is my desire, that this my present Codicil be annexed to and considered as part of my last Will and Testament to all Intents and Purposes.

In Witness whereof I have hereunto set my Hand & Seal this twenty third Day of June, Anno Domini One thousand seven hundred and eighty nine.

B. Franklin [Seal]

Signed, Sealed, published and declared by the above named Benjamin Franklin to be a Codicil to his last Will & Testament in the Presence of us.

Francis Bailey, aff'd
Thomas Lang, aff'd
Abm. Shoemaker, aff'd

Francis Bailey, Thomas Lang and Abraham Shoemaker Witnesses to the foregoing Codicil on their Solemn Affirmations do declare and say that they were present and saw and heard Benjamin Franklin the Testator sign and seal and

publish pronounce and declare the same as and for a Codicil to his last Will and Testament and at the doing thereof he was of sound and disposing Mind Memory and Understanding to the best of their knowledge and belief.

Affirmed the 23d. day of April 1790. Before

Geo. Campbell, Regr.

The foregoing Will being Proved Probate was granted unto Francis Hopkinson, Edward Duffield & Henry Hill three of the Executors in said Testament named (the other Executor John Jay being absent) being first duly sworn and affirmed truly to perform the same, exhibit a true Inventory and render a just and true Account when thereto lawful required. Given under my Hand & the Seal of the Office the day and date aforesd.

Geo. Campbell, Regr.

COMMONWEALTH OF PENNSYLVANIA, } ss.
City and County of Philadelphia, }

Register's Office, February 17th, 1896.

I, ELIAS P. SMITHERS, Register of Wills and ex-officio Clerk of the Orphans' Court for the City and County of Philadelphia, in the Commonwealth of Philadelphia, do hereby certify the foregoing to be a true and accurate copy of the last Will and Testament and Codicil thereto of Benjamin Franklin, deceased, together with the probate thereof upon which Letters Testamentary were granted unto Francis Hopkinson, Edward Duffield and Henry Hill on the 23d. day of April, A.D. 1790 as the same remains on file and of record in this office.

In Testimony Whereof, I have hereunto set my hand and official seal at Philadelphia the date above.

SEAL

Elias P. Smithers,
Register of Wills and ex-officio Clerk of Orphans' Court.

STATE OF PENNSYLVANIA, } ss.
Philadelphia County, }

I, WILLIAM B. HANNA, President Judge of the Orphans' Court of Philadelphia County, DO CERTIFY, that the foregoing Certificate and Attestation, made by ELIAS P. SMITHERS, Esq., Register of Wills and ex-officio Clerk of

said Orphans' Court, whose name is thereto subscribed and seal of his office affixed, are in due form and made by the proper officer.

In Testimony Whereof, I have hereunto set my hand, this 17th day of February in the Year of our Lord one thousand eight hundred and ninety-six [1896].

Wm. B. Hanna, [L. S.]

President Judge.

STATE OF PENNSYLVANIA } *ss.*
Philadelphia County, }

I, ELIAS P. SMITHERS, Esq., Register of Wills and ex-officio Clerk of the Orphans' Court of Philadelphia County, DO CERTIFY, that the Honorable WILLIAM B. HANNA, by whom the foregoing Attestation was made, and who has thereunto subscribed his name, was, at the time fo making thereof, and still is, President Judge of the Orphans' Court of Philadelphia County, duly commissioned and sworn; to all whose acts, as such, full faith and credit, are and ought to be given, as well in Courts of Judicature as elsewhere.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of the said Court, this 17th day of February in the year of our Lord one thousand eight hundred and ninety-six [1896].

Elias P. Smithers,

Register of Wills and ex-officio Clerk of the Orphans' Court.

Soon after the death of Franklin information of his bequests to the Town of Boston was communicated to the Selectmen, and the Records of the Town disclose the following action on the subject:

At a meeting of the Freeholders and other inhabitants of the Town of Boston duly qualified and legally warned in Publick Town Meeting held at Faneuil Hall on Tuesday, the 18th of May, 1790.

Extracts from the Will of the late Doct^r. Franklin having been laid before the Town, it was Moved that the Selectmen be desired to call a meeting of the Town as speedily as may be, to take the same into consideration.*

At a meeting of the Selectmen, May 19, 1790.

On motion, Voted that Messrs. Price, Edwards, and Col. Crafts be a committee to take Dr. Franklin's Will into consideration, and report to the Board what they apprehend will be proper to be done by the Town on the occasion.

The Town at their late meeting having desired the Selectmen to call a meeting as speedily as may be for the purpose of taking Dr. Franklin's Will into consideration:

The Town Clerk is directed to issue a warrant for a Town Meeting on Tuesday next, 3 o'clock P. M.†

At a meeting of the Freeholders and other inhabitants of the Town of Boston duly qualified and legally warned in publick Town Meeting assembled at Faneuil Hall on Tuesday, the 25th of May, A. D. 1790.

Warrant for calling the meeting read. Hon^l. Thomas Dawes, Esq. chosen Moderator by Hand vote.

A letter from Doct. Franklin's Executors was laid before the Town by the Selectmen, as also Extracts of the Doctor's Will relative to his Donations to the Town of £100 and of £1000 sterling, and the same having been read and considered, it was

Voted, That the Town do accept of the said Donations of £100 and £1000 sterling on the Terms and for the purposes expressed in said Will. On motion

Voted, That a committee be appointed to take up this matter at large, and to report to the Town what further votes may be proper to be passed thereon. Also

* Town Records, vol. 8, page 171.
† Selectmen's minutes for 1790, page 220.

Voted, That the Hon^{b}. Thomas Dawes, Esq., Ezekiel Price, Esq., William Tudor, Esq., Hon^{l}. Stephen Higginson, Esq., Hon^{l}. Thomas Dawes, Jr., Esq., be a committee for the purpose aforesaid.‡

At an adjourned meeting of the Town held on Tuesday, June 1st, A. D. 1790.

The Committee appointed to take into consideration what Vote may be propper to be passed relative to the Donations of the late celebrated Doctor Benj^{a}. Franklin to this Town.

Report, That a fair copy of the following draft of a Letter to the Executors of the Doct^{r}. be made and signed by the Town Clerk in the name of the Town, and sent to said Executors:

GENTLEMEN:

BOSTON, June 1, 1790.

We, the inhabitants of the Town of Boston, in Town Meeting assembled, now transmit to you our vote of acceptance of the Two bequests of your testator, the most venerable Dr. Benjamin Franklin.

The many useful designes projected by that great man, during a Long and Valuable Life, perhaps even more than his exalted Tallents as a Patriot, Statesman and Philosopher, must endear his Memory To Americans; while they, in a more particular manner, reflect Honor upon the Town of Boston, which gave him Birth and Education.

Every step to carry into full effect his benevolent plan will be cheerfully pursued by those, who he was pleased to constitute his Trustees, and rising generations will for ages Bless the name of their illustrious Friend and Benefactor.

We thank you, sir, and the other gentlemen, for your early communication of the contents of the will as far as it relates to us.

We are, with the most perfect respect, gentlemen,

Your most obedient servants,

In the name and by order of the Town,

TOWN CLERK.

HENRY HILL, Esq., and the other gentlemen, Execrs. to the last will of the late Doctr. Franklin.

‡ Town Records, vol. 8, page 172.

The committee further Report, that in their opinion, the Trustees appointed by the Doctor, in and by his last Will and Testament, are therein fully authorized and impowered to carry his benevolent intentions in said donations into execution without any further authority from the Town.

THOMAS DAWES,
per order.

The aforegoing Report having been read and considered, the question was put, viz.: Whether the same shall be accepted.

Passed in the affirmative.*

At a meeting of the Selectmen held on the 24th of July, 1790

Mr. Edwards and Mr. Crafts, a committee to prepare a draught of a letter to the Executors of Dr. Franklin, in answer to their letter, and to Report the same to the Board.†

At a meeting of the Selectmen held on the 24th of September, 1790.

The Selectmen having taken into consideration what remains to be done by them relative to Dr. Franklin's donation, Mr. Price was appointed a committee to write Stephen Collins, Esq., requesting that he would preserve copies of all the proceedings of the corporation of Philadelphia respecting Doctor Franklin's donation to that city.‡

At a meeting of the Selectmen held on Feb. 23, 1791.

Mr. Henry Hill, one of the Executors of Dr. Franklin, has by his letter of Feb. 1, 1791, acquainted the Selectmen that they are now ready to pay in full the sums of £1,000 and £100 to the person or persons who appear duly authorized to receive and grant receipts for them agreeably to the Tenor of the Will, as will more fully appear by reference to the will placed on the file of mixed papers for 1791.*

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* Town Records, vol. 8, p. 173.
† Selectmen's Records of 1790, page 230.
‡ Selectmen's Records of 1790, page 239.
* Selectmen's minutes for 1791, page 253.

At a meeting of the Selectmen held Feb. 28, 1791.

Mr. Edwards is desired to prepare a Draught of a Power of Attorney for the Receit of Doctor Franklin's Donations.†

At a meeting of the Selectmen held March 2, 1791.

Mr. Edwards reported a Power to be sent in order to receive and give discharge to the Executors of Doct^r^ Franklin for the Donations to this Town, which was approved by the Selectmen ‡

The money was paid to the persons acting as trustees in March, 1791.

At a meeting of the Selectmen held April 5, 1791.

The Selectmen taking under consideration the Will of Dr. Benj. Franklin as it respects his Donation to the Town of £1,000 sterling.

Voted, That as Trustees of said Donation they are to be united with the Ministers of the oldest Episcopalian, Congregational and Presbyterian Churches of this Town, and whereas there is in this Town no Presbyterian Church. Voted: That the said Selectmen united with the Ministers of the Old Brick Church, as the first Congregational one, and the Minister of the Chapel Church,§ as the first Episcopalian Church are the Trustees of the said Donation.*

The number of Selectmen in 1788, and up to the year 1822, the date on which the act incorporating Boston as a city, went into effect, was nine.

After the adoption of the City Charter in 1822, the mayor and the aldermen of the city, eight in number, as successors of the selectmen of the town, and the ministers of the above named churches acted as trustees and managers of this donation.

After the Revised City Charter was adopted in 1854, the aldermen then being nine in number, with the ministers, and without the mayor, acted as such trustees and managers until the year 1890, and since and including 1890, the mayor, and the aldermen, twelve in number, with the ministers of the three churches named in Franklin's will have acted as such trustees and managers.

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† Selectmen's minutes for 1791, page 254.
‡ Selectmen's minutes for 1791, page 254.
§ King's Chapel, in Tremont Street, which was at that date an Episcopal Church.
* Selectmen's minutes for 1791, page 258.

At a meeting of the persons acting as trustees and managers of the Franklin Fund held in City Hall, in the city of Boston, on Thursday, December 28, 1893, the following-named managers of said fund being present, viz., Aldermen Lee, Dever, Folsom, Fottler, Maguire, Mitchell, and Sanford, and Rev. Charles W. Duane, rector of Christ Church, the following vote was unanimously passed:

"*Ordered*, That the sum set apart from the general Franklin Fund as due to the city of Boston on July 1, 1893, viz., $322,490.20 with its accumulations, be paid by the treasurer of the fund in January next to the City Treasurer, to constitute a special fund for the purchase of land and for the erection thereon of the Franklin Trades School and the equipment of the same; said expenditures to be made under the direction of such department as may for the time being be charged by the statutes and ordinances with the duty of erecting and furnishing public buildings in the city of Boston. The location of and plans for said school to be approved by the managers of said fund."

In accordance with this vote there was paid over to the City Treasurer of the city of Boston the sum of $329,300.48 on the 17th day of January, 1894.

By Chap. 449 of the Acts of 1895, Sect. 22, the Architect's Department and the office of the City Architect in the city of Boston were abolished, and since the first day of July, 1895, when said act went into effect, there has been no "department of the city for the time being charged by the statutes and ordinances with the duty of erecting and furnishing public buildings in the city of Boston." The persons acting as trustees and managers of the Franklin Fund have, at various dates, subsequent to the said payment of money into the treasury of the city of Boston, passed various votes in connection with the purchase of land, designed for the foundation of a trades school; but no money has been paid from the city treasury for this purpose.

On the petition of Hon. Josiah Quincy, Mayor of the City of Boston, filed in the Probate Court of Suffolk county, February 19, 1896 with a copy of Franklin's will and certain certificates printed, copies of which copy and certificates are hereinbefore set forth, the following decree was entered:

COMMONWEALTH OF MASSACHUSETTS.

Suffolk, ss.

At a Probate Court holden in Boston, in and for said county of Suffolk, on the twenty-sixth day of March, in the year of our Lord one thousand eight hundred and ninety-six, on the petition of Josiah Quincy of said Boston, praying that a copy of the last will and testament of Benjamin Franklin, late of Philadelphia in the State of Pennsylvania, deceased, testate, may be filed and recorded in the Registry or the Probate of this county; a copy of said will, and of the probate thereof, duly authenticated, having been produced therewith, and public notice having been given, according to law and the order of Court; and it appearing that there is estate of said deceased in said county of Suffolk, on which said will may operate; and that the original will has been proved and allowed in the State of Pennsylvania according to the law of said State, and that it ought to be allowed in this commonwealth as the last will and testament of said deceased; it is therefore ordered that the copy of said will be filed and recorded in the Registry of Probate of said county of Suffolk, pursuant to the statute in that case made and provided.

Robert Grant,
Judge of Probate Court.

On July 9, 1896, a petition was filed in said Probate Court, by the Corporation Counsel of the city, asking for the appointment of trustees under said will, and thereafter another petition of the Corporation Counsel was substituted for the original petition, and two other petitions were filed, these petitions are as follows:

COMMONWEALTH OF MASSACHUSETTS.

PROBATE COURT.

Suffolk, ss.

To the Honorable the Judge of the Probate Court in and for the County of Suffolk:

Respectfully represents the city of Boston, a municipal corporation in said Commonwealth, by Andrew J. Bailey, Corporation Counsel of said city.

That Benjamin Franklin, late of Philadelphia in the county of Philadelphia and commonwealth of Pennsylvania, deceased, testate April, 17, 1790, that his will was duly proved and allowed on April 23, 1790, in the Orphans' Court in and for the city and county of Philadelphia and commonwealth of Pennsylvania; that a certified copy of said will with the probate thereon duly authenticated was filed and recorded in the Probate Court in and for the county of Suffolk according to law; that said testator by said last will gave certain personal estate in trust for the uses specified in said will to the inhabitants of the town of Boston in Massachusetts; that said testator by said last will provided that said trust estate should be "managed under the direction of the Selectmen united with the ministers of the oldest Episcopalian, Congregational, and Presbyterian churches in that town;" that said trust estate at the present time is in this commonwealth, and within the county of Suffolk; that by Chap. 110 of the Acts of the year 1821, and acts in amendment, and in addition thereto, the Board of Selectmen of said town have been abolished; that no trustees have ever been appointed in this Commonwealth under said will and codicil; that Josiah Quincy is the Mayor of the city of Boston; that Perlie A. Dyar, David F. Barry, William Berwin, Franklin L. Codman, John H. Colby, Josiah S. Dean, William F. Donovan, William J. Donovan, John H. Lee, William H. Lott, Milton C. Paige, and Edward W. Presho are the Board of Aldermen of the city of Boston; that said Mayor and said Board are the successors of the Selectmen of the former town of Boston; that Charles W. Duane, Stopford W. Brooke, and N. K. MacLennan are deemed to be the pastors respectively of the oldest Episcopalian, Congregational, and Presbyterian churches in the former town of Boston, and said persons are therefore entitled to be appointed as such trustees.

Your petitioner therefore prays that after such notice to all parties in interest as the Court shall order, the Court will appoint said Josiah Quincy, Perlie A. Dyar, David F. Barry, William Berwin, Franklin L. Codman, John H. Colby, Josiah S. Dean, William F. Donovan, William J. Donovan, John H. Lee, William H. Lott, Milton C. Paige, and Edward W. Presho, united with said ministers Charles W. Duane, Stopford W. Brooke, and N. K. MacLennan, as

trustees under said will without giving surety or sureties on their official bond.

City of Boston,

(Signed) By Andrew J. Bailey,

Corporation Counsel of the City of Boston.

After the filing of the above petition "The Citizens' Association" filed the following petition:

COMMONWEALTH OF MASSACHUSETTS.

IN THE PROBATE COURT.

Suffolk, ss.

To the Honorable Judge of the Probate Court in and for the County of Suffolk:

Respectfully represents the Citizens' Association of Boston, an organization composed of citizens and taxpayers of said city: that Benjamin Franklin, late of Philadelphia in the County of Philadelphia and State of Pennsylvania, deceased, April 17, 1790, in said Philadelphia: that on the seventeenth day of July, 1780, said Benjamin Franklin made a last will and testament was duly proved and allowed on April 23, 1790, in the Orphans' Court in and for the city and county of Philadelphia and State of Pennsylvania: that a certified copy of said will with the probate thereon duly authenticate was filed and recorded in the probate court in and for the county of Suffolk and Commonwealth of Massachusetts according to law: that said testator by said last will gave certain personal property in trust for the benefit of the inhabitants of Boston in Massachusetts for the uses, interests, and purposes specified in said will: that said testator by said last will provided that said trust estate shall be managed under the direction of the selectmen, united with the ministers of the oldest episcopal, congregational, and presbyterian churches in that town. Said trust estate at the present time is in the Commonwealth within the county of Suffolk: that by chapter 110, of the acts of the year 1821, and acts in amendment and addition thereto, the town of Boston became the city of Boston in 1822, and the board of selectmen was abolished, and that thereby there is and has been a failure of trustees under said will, and there is no

provision in said will for the appointment of trustees in case of said failure: that Charles W. Duane, Stopford W. Brooke, and Scott F. Hershey are deemed to be the pastors respectively of the oldest episcopal, congregational churches in the former town of Boston: that said testator provided in said will that at the expiration of one hundred years the managers of said trust should lay out a part of said trust estate, viz.: one hundred thousand in public works, and that the balance of said fund should be held in trust for said use, and at the expiration of second hundred years a portion of the balance as it then stood was let to the disposition of the town of Boston, and the remainder was left to the disposition of the government of the State.

Your petitioner therefore alleges that the aforesaid provisions of said will created a public charity, and of which there has been and is a failure of the managers and trustees, and your petitioner therefore prays that after such notice to all parties in interest, and the attorney-general of the Commonwealth, as the court shall order, the court will appoint as such managers and trustees the said Charles W. Duane, Stopford W. Brooke, and N. K. MacLennan, so long as they shall respectively remain said pastors, together with four other persons suitable and competent to undertake and fulfil the purposes of said trust.

(Signed) The Citizens' Association of Boston,
By CAUSTEN BROWN,
President.

And thereafter the attorney-general of the Commonwealth of Massachusetts filed the following petition:

Commonwealth of Massachusetts.

IN THE PROBATE COURT.

Suffolk ss:

To the Honorable the Judge of the Probate Court in and for the County of Suffolk:

And now comes Hosea M. Knowlton, attorney-general of said Commonwealth, and represents to the Court that Benjamin Franklin, late of Philadelphia, in the County of Philadelphia, and Commonwealth of Pennsylvania died testate on

April 17th, 1790; that his will was duly proved and allowed on April 23, 1790, in the Orphans' Court in and for the County of Philadelphia and Commonwealth of Pennsylvania; that a certified copy of said will with the probate thereon duly authenticated was filed and recorded in the Probate Court in and for the county of Suffolk according to law; that said testator by said will gave certain personal estate in trust for the uses specified in said will to the inhabitants of the town of Boston in Massachusetts and to the disposition of the government of the State; that said testator by said last will provided that said trust estate should be managed under the direction of the selectmen, united with the ministers of the oldest episcopalian, congregational and presbyterian churches in that town; that said trust estate at the present time is in this Commonwealth and within the county of Suffolk; that by said will a good public charity was created: that by chapter 110, of the acts of the year 1821, and acts in amendment and in addition thereto the board of selectmen of said town has been abolished; that no trustees have ever been appointed by the Court in this Commonwealth under said will; that Charles W. Duane, Stopford W. Brooke, and N. K. MacLennan are the pastors respectively of the oldest episcopalian, congregational and presbyterian churches in said Boston; and that it is necessary that trustees should be appointed to fill the position formerly occupied by the selectmen of the town of Boston.

Your petitioner therefore prays that after such notice to all parties in interest as the Court shall order, the Court will appoint the said Charles W. Duane, Stopford W. Brooke and N. K. MacLennan, and such other persons as it shall deem fit, trustees under said will.

(Signed) HOSEA M. KNOWLTON,
Attorney-General.

A hearing was had in the Probate Court for Suffolk County on the several petitions, February 11th, 1897, and thereafter the court passed a decree, a copy of which is as follows, viz.:

COMMONWEALTH OF MASSACHUSETTS.

SUFFOLK, ss.

At a Probate Court holden at Boston, in and for the county of Suffolk, on the eighteenth day of March, in the year of our Lord one thousand eight hundred and ninety-seven,

On the petition of Hosea M. Knowlton, Attorney-General of said Commonwealth, praying that said Court will appoint Charles W. Duane, Stopford W. Brooke, and Alexander K. MacLennan, being the ministers respectively of the oldest Episcopalian, Congregational, and Presbyterian churches in said Boston, and such other persons as said Court shall deem fit trustees under the will of Benjamin Franklin, late of Philadelphia in the state of Pennsylvania, deceased, a duly authenticated copy of which will and of the probate thereof having been filed and recorded in the Registry of Probate of said county of Suffolk on the twenty-sixth day of March, A.D. 1896. It appearing by said will that said testator gave certain estate therein described in trust for the uses specified in said will to the inhabitants of the town of Boston in Massachusetts to be managed under the direction of the Selectmen united with the ministers of said churches; that there are no longer any selectmen in said Boston; that said Charles W. Duane, Stopford W. Brooke, and Alexander K. MacLennan are the ministers respectively of the oldest Episcopalian, Congregational, and Presbyterian churches in said Boston and that said gift is a public charity. All persons interested in said trust having been duly notified according to the order of the Court, and a full hearing being had thereon,

It is decreed that Henry L. Higginson, Francis C. Welch, Abraham Shuman, Charles T. Gallagher, all of said Boston; said Charles W. Duane, as he is the minister of the oldest Episcopalian church in Boston; said Stopford W. Brooke, as he is the minister of the oldest Congregational church in Boston; and said Alexander K. MacLennan, as he is the minister of the oldest Presbyterian church in Boston, be and they hereby are appointed trustees as aforesaid.

ROBERT GRANT,
Judge of Probate Court.

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